

CHAPTER 12

(Senate Bill 529)

AN ACT concerning

Militia - Adjutant General's and Assistant Adjutant
General's Pensions

FOR the purpose of prohibiting-the repealing provisions for
payment of a certain special pension to an Adjutant
General and an assistant adjutant general appointed--on
or--after--a-certain-date; preserving the rights of all
persons eligible for these pensions; and making this
Act an emergency measure.

BY repealing and-reenacting,-with-amendments,

Article 65 - Militia
Section 9(h) and (i)
Annotated Code of Maryland
(1979 Replacement Volume)

Preamble

The Boards of Trustees of the Maryland State Retirement
Systems as part of its legislative proposals for the 1980
Session of the Maryland General Assembly submitted a bill to
prohibit the payment of special noncontributory pensions to
Adjutant Generals and Assistant Adjutant Generals of the
Maryland National Guard. The Boards stated that these
officers were provided adequate retirement benefits through
the Employees' Retirement and Employees' Pension Systems,
Social Security, and the Federal Military Pension Plan.

These special benefits were created for a former
Adjutant General who upon his death did not have the
required years of service to provide a survivor annuity to
his spouse. Section 9(h) was added to the law to provide
benefits for the surviving spouse. Its provisions allowed
future Adjutant Generals to receive the special benefits
created to provide benefits solely to a surviving spouse.
Subsequent legislation extended these benefits in Section
9(i) to Assistant Adjutant Generals and surviving spouses.

The proposal of the Boards of Trustees was subsequently
reviewed and adopted by the Joint Pension Committee of the
General Assembly. In a letter to the Governor of Maryland,
dated December 14, 1979, the Chairman of the Committee
advised the Governor of the Committee's support of the bill
and suggested that, with respect to the vacancy in the
office of Adjutant General, an appointment of a new Adjutant
General not be made until the proposed legislation could be
adopted and made applicable to the new appointee; now,
therefore,